

[SEE SIGNATURE PAGE FOR COMPLETE LIST OF COUNSEL]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AUGME TECHNOLOGIES, INC.,

Plaintiff,

v.

YAHOO! INC.,

Defendant.

CASE NO. C 09-5386 JCS

**STIPULATION REGARDING YAHOO!
INC.'S BILL OF COSTS**

Judge: Hon. Magistrate Joseph C. Spero

YAHOO! INC.,

Counterclaim Plaintiff,

v.

AUGME TECHNOLOGIES, INC. and
WORLD TALK RADIO, LLC,

Counterclaim Defendants.

Pursuant to Civil L. R. 7-12 and 54, the parties, through their undersigned counsel, hereby stipulate, subject to the Court's approval, as follows:

WHEREAS, on November 15, 2012, the Court entered separate and final judgment for Yahoo! Inc. ("Yahoo!") on: (1) Augme Technologies, Inc.'s ("Augme's") claim that Yahoo! infringes claims 21 and 25 of U.S. Patent No. 6,594,691 and claims 1-3, 9, 14, 20, and 25 of U.S. Patent No. 7,269,636, and (2) Yahoo!'s counterclaim of invalidity of claims 19 and 20 of U.S. Patent No. 6,594,691 for indefiniteness. (ECF No. 357.);

WHEREAS, on November 29, 2012, Yahoo! timely served and filed an administrative motion to seal a Bill of Costs pertaining to Augme's patent infringement claims and Yahoo!'s counterclaims of invalidity. (ECF No. 358.) In its Bill of Costs, Yahoo! identified \$169,635.94 in costs taxable to Augme. (*Id.*);

WHEREAS, on December 3, 2012, the Court granted Yahoo!'s administrative motion to seal portions of its Bill of Costs. (ECF No. 359.);

WHEREAS, on December 3, 2012, pursuant to the Court's order, Yahoo! filed sealed and public redacted versions of its Bill of Costs. (ECF Nos. 360, 361.);

WHEREAS, on December 12, 2012, Augme informed Yahoo! that it objected to \$30,550 in costs identified by Yahoo!;

WHEREAS, on December 14, 2012, counsel for Augme and Yahoo! met and conferred regarding the costs identified by Yahoo! and Augme's objections to those costs;

WHEREAS, following these discussions, Augme maintains its objection to \$29,314.66 of costs sought by Yahoo!, and Yahoo! agrees to waive \$29,314.66 of the costs it sought;

THEREFORE, Augme and Yahoo! stipulate and request as follows:

1. That Yahoo! timely served and filed its bill of costs.
2. That Augme timely objected to Yahoo!'s bill of costs.
3. That \$140,321.28 in costs is properly taxable against Augme, pertaining to Augme's patent infringement claims and Yahoo!'s counterclaims of invalidity.
4. That the Clerk of Court tax costs in the amount of \$140,321.28 against Augme.

It is so STIPULATED.

1
2 Dated: December 17, 2012

Respectfully submitted,

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19 *Attorneys for Plaintiff and Counterclaim*
20 *Defendant AUGME TECHNOLOGIES and*
21 *Counterclaim Defendant WORLD TALK*
RADIO, LLC

22 Dated: December 17, 2012

Respectfully submitted,

23 By: /s/ Daniel P. Muino

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Attorneys for Defendant and Counterclaim
Plaintiff YAHOO! INC.

Dated: 12/19/12



ATTESTATION OF E-FILED SIGNATURES

I, John K. Blake, Jr., am the ECF User whose ID and Password are being used to file this

STIPULATION REGARDING YAHOO! INC.'S BILL OF COSTS

In compliance with Civ. L.R. 5-1(i)(3), I hereby attest that Gregory S. Bishop and Daniel P. Muino have concurred to its filing.

Dated: December 17, 2012

/s/ John K. Blake, Jr.